

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 14-CR-00143-LRR
)
vs.)
)
PHILIP PAYNE,)
)
Defendant.)

**ORDER GRANTING REQUEST TO EXCLUDE TIME
DUE TO DEFERRAL OF PROSECUTION
PURSUANT TO TITLE 18 U.S.C. § 3161(h)(2)**

The Court has been advised that the parties have entered into an agreement to defer prosecution on Counts 2 and 3 of the Information for a period of at least eighteen (18) months. It is proposed that during the period of deferred prosecution the defendant shall be supervised by the United States Probation Office under conditions agreed to by the parties and submitted to this Court for approval. In the event the defendant successfully abides by the terms of the deferred prosecution agreement, the United States has agreed to move to dismiss Counts 2 and 3 of the pending Information.

Pursuant to Title 18, U.S.C. § 3161(h)(2), "[a]ny period of delay during which prosecution is deferred by the attorney for the Government pursuant to written

agreement with the defendant, with the approval of the court, for the purpose of allowing defendant to demonstrate his good conduct," shall be excluded in computing time pursuant to the Speedy Trial Act, Title 18, U.S.C. § 3161.

The court has reviewed, and hereby approves, the "Agreement for Pretrial Diversion" entered into by the parties and endorsed by the Probation Office.

WHEREFORE, it is ordered, pursuant to Title 18, U.S.C. § 3161(h)(2), any ensuing delay in prosecution of the pending indictment resulting from the agreement of the parties to defer prosecution in this matter for a period of at least eighteen (18) months, shall be excluded for purposes of computing the time within which the trial of Counts 2 and 3 of the pending Information must commence.

Dated this 7th day of January, 2015.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA